

HOUSE BILL 2979
By Napier

AN ACT to amend Tennessee Code Annotated, Title 46 and Title 67, Chapter 5, relative to regulation of cemeteries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 46, is amended by adding Sections 2 through 6 of this act as a new chapter.

SECTION 2. The historical commission may:

- (1) Apply for and accept on behalf of the commissioner of commerce and insurance federal funds made available to restore or maintain cemeteries;
- (2) Consult with and advise individuals, citizens' groups, counties, municipalities, and agencies, departments or instrumentalities of the state government on matters pertaining to cemeteries;
- (3) Develop standards of evaluation of cemeteries meriting financial assistance from the state for the purpose of restoration or maintenance;
- (4) Estimate the cost of the proposed restoration or maintenance for a cemetery under review by the historical commission;
- (5) Recommend to the commissioner of commerce and insurance cemeteries which merit financial assistance for restoration and maintenance; and
- (6) Recommend to the commissioner of commerce and insurance the amount of financial assistance required by cemeteries.

SECTION 3. The historical commission shall consider, but shall not be limited to, the following criteria in developing standards for the evaluation of cemeteries meriting financial assistance from the state of Tennessee for restoration or maintenance:

- (1) The distinctive architectural features or landscaping of the cemetery;
- (2) The local prominence of those persons buried in the cemetery;
- (3) The age of the cemetery; and
- (4) The need for financial assistance.

SECTION 4. Each county historian appointed pursuant to § 5-18-101, is directed to identify the cemeteries within the historian's county qualifying for a recommendation of financial assistance by the historical commission under the standards promulgated by the commission. Each county historian is further directed to apply to the commission for a recommendation for financial assistance for such cemeteries.

SECTION 5.

(a) The historical commission shall evaluate all applications received from county historians and all applications received from private individuals on forms prescribed by the historical commission.

(b) The historical commission shall estimate the cost of the proposed restoration or maintenance of the cemetery identified in the application, and shall submit its recommendation for approval or disapproval of the application in whole or in part accompanied by its estimate of the costs involved to the commissioner of commerce and insurance.

SECTION 6. The commissioner of commerce and insurance is authorized to enter into and enforce such contracts and agreements with counties and municipalities as may be appropriate or necessary, within funds appropriated by the general assembly or available from other sources, in order to restore or maintain approved cemeteries.

SECTION 7. This act shall take effect July 1, 1996, the public welfare requiring it.

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